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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,623	06/26/2003	Keiji Katata	Q76304	4461
23373 7590 04/19/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TEKLE, DANIEL T	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/603,623

Applicant(s)

KATATA, KEIJI

Examiner

Daniel Tekle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (US 6625094 B1)

Regarding Claim 1: Park et al. disclose a defect management apparatus for performing a defect management for a rewritable recording medium having a data area and a spare area in its recording surface, the defect management apparatus comprising: a defect information generating device for generating defect information which indicates at least a position of a defect existing on or in the recording surface of the rewritable recording medium, when data recorded in the recording surface of the rewritable recording medium is read (**column 4 lines 32-46**); a recording position determining device for determining, on the basis of the defect information, whether or not the data is recorded at the position of the defect, when the data is recorded into the rewritable recording medium (**column 4 lines 47-59**); an alternative recording device for executing an alternative recording for recording data including the same contents as those of the data recorded at the position of the defect into the spare area of the

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rewritable recording medium, if the recording position determining device determines that the data is recorded at the position of the defect (**columns 4-5, lines 64-7**); and a time controlling device for controlling a time point to execute the alternative recording by the alternative recording device such that the alternative recording is executed within a time period that continuation of a state that recording the data into the rewritable recording medium is not performed is predicted (**column 4 lines 33-46**).

Regarding Claim 2: Park et al. disclose a defect management apparatus according to claim 1, wherein the alternative recording device comprises: a recognizing device for recognizing the position of the defect on the basis of the defect information (**column 5 lines 8-27**); a reading device for reading the data recorded at the position of the defect recognized by the recognizing device (**column 5 lines 8-27**); and a recording device for recording the data read by the reading device into the spare area of the rewritable recording medium (**column 5 lines 8-27**).

Regarding Claim 3: Park et al. disclose a defect management apparatus according to claim 1, wherein the alternative recording device comprises: a recognizing device for recognizing the position of the defect on the basis of the defect information (**column 4 lines 60-63**); an alternative-recording determining device for determining whether or not the data recorded at the position of the defect is data that requires the alternative recording (**column 4 lines 60-63**); a reading device for reading the data recorded at the position of the defect recognized by the recognizing device, if the alternative-recording determining device determines that the data recorded at the position of the defect is the data that requires the alternative recording (**columns 4-5, lines 64-7**); and a recording

device for recording the data read by the reading device into the spare area of the rewritable recording medium (**columns 5-6, lines 59-6**).

Regarding Claim 4: Park et al. disclose a defect management apparatus according to claim 3, wherein the alternative-recording determining device determines that the data recorded at the position of the defect is the data that requires the alternative recording, if the data recorded at the position of the defect is control data or management data (**column 5 lines 8-27**).

Regarding Claim 5: Park et al. disclose a defect management apparatus according to claim 1, wherein the time controlling device allows the alternative recording device to execute the alternative recording at a time point that an instruction to stop or suspend the data recording is inputted (**columns 4-5, lines 64-7**).

Regarding Claim 6: Park et al. disclose a defect management apparatus according to claim 1, wherein the time controlling device allows the alternative recording device to execute the alternative recording at a time point that the recording of video or audio data to be recorded continuously is complete (**columns 4-5, lines 64-7**).

Regarding Claims 7-8: Claims 7-8 are rejected for the same subject matter as claims 1-2 respectively.

Regarding Claim 9: Claim 9 is rejected for the same subject matter as claims 1.

Regarding Claims 10-13: Claims 10-13 are rejected for the same subject matter as claims 3-6 respectively.

Regarding Claim 14: Park et al. disclose a defect management apparatus for performing a defect management for a rewritable recording medium, the defect

management apparatus comprising: a defect information generating device for generating defect information which indicates at least a position of a defect existing on or in a recording surface of the rewritable recording medium, when data recorded in the recording surface of the rewritable recording medium is read (**column 4 lines 33-46**); a recording position determining device for determining, on the basis of the defect information, a recording position which is located at a position different from the position of the defect (**column 4 lines 60-63**); and a recording device for recording the data at the recording position determined by the recording position determining device (**column 4 lines 60-67**).

Regarding Claim 15: Park et al. disclose a defect management apparatus according to claim 14, wherein the recording position determining device determines the recording position different from the position of the defect, if the data to be recorded is control data or management data (**column 4 lines 60-63**).

Regarding Claims 16-19: Claims 16-19 are rejected for the same subject matter as claims 1.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to a method of defining a general purpose area on the recording medium, which is not intended for recording user data but for defect management and special application program.

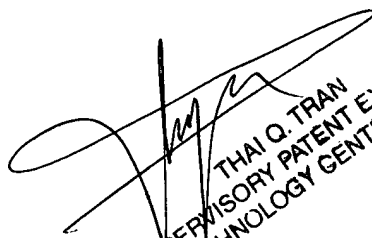
US 2003/0210627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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